



PROPOSED RULE MAKING
(RCW 34.05.320)

CR-102 (7/22/01)
Do NOT use for expedited
rule making

Agency: **State Board of Health**

- ☒ Preproposal Statement of Inquiry was filed as WSR **01-01-084**; or
☐ Expedited Rule Making -- Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice
to WSR _____
☐ Continuance of WSR _____

(a) Title of rule: (Describe Subject) **chapter 246-360 WAC, Transient Accommodations**

Purpose: **To clarify rules, improve readability of regulations and address health and safety issues for transient accommodations in Washington State.**

Other identifying information: **At the November 14, 2001, State Board of Health meeting, it was determined that rulemaking was necessary due to changes in industry and operation of the program.**

(b) Statutory authority for adoption: **RCW 70.62**

Statute being implemented: **RCW 70.62**

(c) Summary:

Amends chapter 246-360 WAC to outline the minimum health and safety standards for the licensure and operations of transient accommodations in Washington State.

Reasons supporting proposal: **RCW 70.62.240 empowers State Board of Health to adopt rules as necessary to assure that each transient accommodation will be operated and maintained in a manner consistent with the health and safety of members of the public using such facilities. The Department of Health administers and enforces the rules (RCW 70.62.250).**

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Ellen Haars	310 Israel Road SE, Tumwater, WA 98501	(360) 236-2933
2. Implementation.... Linda Furkay	310 Israel Road SE, Tumwater, WA 98501	(360) 236-2927
3. Enforcement..... Gary Bennett	310 Israel Road SE, Tumwater, WA 98501	(360) 236-2900

(e) Name of proponent (person or organization):
State Board of Health
Department of Health

- ☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION:

State Board of Health Public Meeting
Centralia Train Depot
210 Railroad Avenue
Centralia WA 98531

Submit written comments to:

Yvette Fox, DOH, Facilities and Services Licensing
PO Box 47852
Olympia, WA 98504-7852
Fax: (360)236-2901 Web: www3.doh.wa.gov/policyreview
Written comments due by July 9, 2004, 12:01 p.m.

Date: **July 14, 2004** Time: **11:00 a.m.**

DATE OF INTENDED ADOPTION: **July 14, 2004**

Assistance for persons with disabilities: Contact
Yvette Fox by July 5, 2004

TDD (800) **833-6388** or (360) **236-2928**

NAME (TYPE OR PRINT)

Craig McLaughlin

SIGNATURE

TITLE

Acting Executive Director

DATE

6/2/04

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JUN 2 2004

TIME

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04-12-117

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

The proposed revision reflects changes in the transient accommodation industry and operation of the program, improves readability of the regulations, and increases emphasis on security, safety and emergency preparedness issues. The rules will better ensure the traveling public that lodging establishments meet minimum health and safety requirements while clarifying to licensees health and safety standards.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

The proposed changes to chapter 246-360 WAC rewrite the existing chapter to clarify and improve readability of the regulations and address health and safety issues.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

Yvette Fox

PO Box 47852

Olympia, Washington 98504-7852

Email: yvette.fox@doh.wa.gov

Telephoning: (360) 236-2928

Faxing: (360) 236-2901

☐ No. Explain why no statement was prepared

(l) Does RCW 34.05.328 apply to this rule adoption? ☒ Yes ☐ No

Please explain:

Rules are significant per RCW 34.05.328(5)(a)(i)

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-001 Purpose. (1) This chapter (~~((implements chapter 70.62 RCW))~~) outlines the minimum public health and safety standards for the licensure and operations of transient accommodations in Washington state.

(2) This chapter applies to facilities offering three or more lodging units to guests for periods of less than ~~((one month, including but))~~ thirty days. These facilities include, but are not limited to:

- (a) Hotels;
- (b) Motels;
- (c) Bed and breakfast establishments;
- (d) Resorts;
- (e) Rustic resorts;
- (f) Inns;
- (g) Condominiums;
- (h) Apartments;
- (i) Crisis shelters;
- (j) Hostels; and
- (k) Retreats.

(3) ~~((This chapter does not apply to:~~

- ~~(a) Overnight youth shelters regulated by chapter 388-160 WAC,~~
- ~~(b) Temporary worker housing regulated by RCW 70.54.110 and chapter 246-358 WAC,~~

- ~~(c) Medical, psychological, drug/alcohol facilities, or related services otherwise regulated by Washington state law, or~~
- ~~(d) Transitional housing as defined in WAC 246-360-010.~~

~~(4) The requirements in WAC 246-360-001 through 246-360-500 are adopted by the board of health pursuant to RCW 70.62.240. WAC 246-360-990 is adopted by the department of health pursuant to RCW 43.70.110 and 43.70.250.)~~ RCW 70.62.240 requires the board to adopt rules to assure transient accommodations are operated and maintained in a manner consistent with the public's health and safety. RCW 43.70.110 requires the secretary to charge fees for licensure and RCW 43.70.250 requires the cost of business licensing programs to be fully borne by the licensees.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-010 Definitions. For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

(1) ~~(("Bathing fixture" means a shower, bathtub, or combination bathtub shower.))~~ "Approved" means a written statement of acceptability issued by a governmental agency or meeting nationally recognized testing standards.

(2) "Bathroom" means a room containing a bathing fixture.

(3) "Bed and breakfast" means a private home or inn offering lodging on a temporary basis to travelers. This type of facility may include food service operations for registered guests only.

(4) "Board" means the Washington state board of health established under chapter 43.20 RCW.

~~((+4+))~~ (5) "Clean" means without visible or tangible soil or residue ~~((s))~~.

~~((+5) "Compliance schedule" means a department-prepared document listing violations and a time schedule for the licensee to follow to correct the violations.))~~

(6) "Cleanable" means the material and finish is fabricated to permit complete removal of residue through normal cleaning methods.

(7) "Construction" means:

(a) A new building ~~((to be used))~~ intended for use as a transient accommodation or part of a transient accommodation;

(b) An addition, modification or alteration ~~((which))~~ that changes the functional use of an existing transient accommodation or portion of a transient accommodation; ((or))

(c) An existing building or portion thereof to be converted for use as a transient accommodation; or

(d) A modification requiring a building permit by a local authority having responsibility for enforcing state and local building codes or local ordinances.

~~((+7+))~~ (8) "Crisis shelter" means a transient accommodation, at a permanent physical location, providing emergency or planned lodging services to a specific population, for ((example, homeless families or relatives of individuals receiving hospital treatment, for)) periods of less than ((one month at a permanent physical location)) thirty days. A crisis shelter may or may not be reimbursed for services in the form of rental fee or labor. ~~((Crisis shelters do not include shelters for victims of domestic violence regulated by the department of social and health services pursuant to chapter 70.123 RCW.~~

~~(+8+))~~ (9) "Department" means the Washington state department of health.

~~((+9+))~~ (10) "Dormitory" means a lodging unit containing beds, cots, pads, or other furnishings intended for sleeping ~~((or use))~~ by a number of ~~((individuals))~~ guests.

~~((+10+))~~ (11) "Exemption" means a written authorization ~~((from))~~ granted by the department ((which releases a licensee from meeting a specific requirement or requirements in this chapter))

under WAC 246-360-500.

~~((11))~~ (12) "Guest" means any individual occupying, or registered to occupy, a lodging unit.

~~((12))~~ (13) "Hostel" means a transient accommodation offering lodging and limited services, ~~((including lodging and))~~ that may include the use of a common kitchen, to guests on a daily or weekly basis in exchange for a rental fee, labor, or a combination of rental fee and labor.

~~((13))~~ "Imminent health hazard" means a condition or situation presenting a serious or life-threatening danger to a guest's health and safety.)

(14) "Laundry" means a central area or room with equipment intended to be used to clean and dry bedding, linen, towels, and other items, including such areas or rooms provided ~~((to))~~ for guests' use.

(15) "Licensee" means the person to whom the department issues the transient accommodation license.

(16) "Local health ~~((department))~~ jurisdiction" means the ~~((city, town,))~~ county or district ~~((which))~~ that provides public health services ~~((to individuals))~~ within the area ~~((according to the provisions of))~~ consistent with chapters 70.05 and 70.08 RCW.

(17) "Lodging unit" means ~~((one self-contained unit designated by number, letter, or other means of identification))~~ an individual room or group of interconnected rooms, intended for sleeping, that are for rent or use by a guest, and is individually designated by number, letter, or other means of identification. A lodging unit may or may not include areas for cooking and eating.

(18) "Person" means any individual, firm, partnership, corporation, company, association, organization, or joint stock association, and the legal successor thereof.

(19) "Retreat" means a transient accommodation intended to provide seclusion, meditation, contemplation, religious activities, training, or similar activities.

(20) "Rustic resort" means a rural transient accommodation lacking many modern conveniences. A rustic resort may operate seasonally.

(21) "Sanitary" means ~~((clean with a minimal presence of germs))~~ hygienic conditions that are conducive to good health.

(22) "Sanitize" means to treat a surface or object with a chemical or physical process, such as heat, to control or limit the presence of germs. For purposes of these regulations, "sanitize" and "disinfect" are equivalent.

(23) ~~((Self-contained unit))~~ means an individual room or group of interconnected rooms intended for sleeping, which may or may not include areas for cooking and eating, for rent or use by a guest.

~~((24))~~ "Self-inspect" means the ~~((evaluation of))~~ licensee evaluates a transient accommodation ~~((by the licensee))~~ for compliance with specific requirements in this chapter.

~~((25))~~ "Toilet" means a fixture fitted with a seat and flushing device used to dispose of bodily waste.

~~((26))~~ (24) "Sink" means a properly trapped plumbing fixture, capable of holding water, with approved potable running hot and cold water under pressure.

(25) "State building code" means the regulations adopted by the state building code council pursuant to chapters 19.27 and 70.92 RCW and chapter 51-50 WAC.

(26) "Survey" means the examination or inspection of a transient accommodation, conducted by the department to determine if minimal health and safety standards in chapter 246-360 WAC are being met. A survey may require one or more site visits and may be announced or unannounced. For purposes of these regulations, a survey and inspection are equivalent.

(27) "Surveyor" means a department employee who conducts a health and safety survey of transient accommodations. For purposes of these regulations, the terms surveyor and inspector are equivalent.

(28) "Transient accommodation" means any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than ((one month)) thirty days and may include food service operations for registered guests.

((27) "Transitional housing" means a program offering lodging for periods exceeding one month for the purpose of helping unemployed, homeless individuals to obtain employment and housing. Transitional housing is not a transient accommodation.

((28)) (29) "Utensil" means any food contact implement used in storing, preparing, transporting, dispensing, serving, or selling food or drink, excluding commercial vending and storage equipment.

(30) "Vector" means an animal that transmits a disease-producing organism from one host to another. For example, mosquitoes are vectors that transmit malaria.

(31) "Water closet" means a portable device or a fixture that has a hinged seat and flushing device used to dispose of body waste. This may include water filled, chemical or incineration toilets.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-020 Licensure. (1) A person ((shall)) must have a current license issued by the department before operating or advertising a transient accommodation. A license is effective for one year from date of issuance.

(2) An applicant for initial licensure ((shall)) must submit to the department, sixty days or more before commencing business, an application which shall include the following:

(a) A completed application on a form((s)) provided by the department;

(b) A completed self-inspection on a form((s)) provided by the department;

(c) The fee specified in WAC 246-360-990; ((and))

(d) A completed uniform business identifier number form provided by the department; and

(e) Other information as required by the department.

(3) A licensee ((shall)) must apply for license renewal annually ((at least thirty days)) on or before the expiration date of the current license by submitting to the department, by mail postmarked no later than midnight on the license expiration date, or by presenting to the department personally or electronically no later than 5:00 p.m. on the expiration date, a renewal application which shall include the following:

(a) A completed application on a form((s)) provided by the department;

(b) A completed self-inspection on a form((s)) provided by the department;

(c) The fee specified in WAC 246-360-990; ((and))

(d) A completed uniform business identifier number form, provided by the department; and

(e) Other information as required by the department.

(4) If the licensee fails to submit a complete renewal application meeting the requirements of subsection (3) of this section by the license expiration date, the license shall become invalid on the thirty-fifth day after the license expiration date unless:

(a) All deficiencies in the renewal have been corrected; and

(b) The applicable penalty or late fee as specified in WAC 246-360-990 has been received by the department, in each case prior to the thirty-fifth day following the expiration date. In the event the license becomes invalid and the transient accommodation is no longer authorized to operate.

(5) An invalid license may be reinstated upon reapplication for an initial license under subsection (2) of this section.

(6) At least thirty days prior to transferring ownership of a transient accommodation:

((+a)) The current licensee ((shall)) must submit to the department:

((+i)) (a) The full name and address of the current licensee and prospective owner;

((+ii)) (b) The name and address of the currently licensed transient accommodation, and the name under which the transferred transient accommodation will operate;

((+iii)) (c) The date of the proposed change of ownership;
and

((+iv)) (d) Other information as required by the department((, and

((b)) (7) At least thirty days before assuming ownership of a transient accommodation, the prospective new owner ((shall)) must apply for licensure by submitting to the department the items required by subsection (2) of this section.

((+5)) (8) A licensee ((shall)) must notify the department when changing the number of lodging units or the name of the transient accommodation by submitting:

(a) A letter describing the intended change;

(b) The fee specified in WAC 246-360-990 for an amended

license; and

(c) Other information as required by the department.

~~((6))~~ (9) The licensee ~~((shall))~~ must notify the department prior to ~~((using new))~~ construction as defined in WAC 246-360-010(8) by submitting ~~((a letter describing))~~:

(a) A description of the construction;

(b) A description of how the construction will be used;

(c) A description of any changes in the functional use of existing construction; ~~((and))~~

(d) Documentation of approvals issued by local authorities having jurisdiction; and

(e) Other information as required by the department.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-030 Responsibilities and rights--Licensee ((and department)). (1) The licensee ~~((shall))~~ must:

(a) Comply with the provisions of chapter 70.62 RCW, other applicable state and local agency regulations and this chapter;

~~((b))~~ ~~((Comply with chapter 212-12 WAC, Fire marshal standards, (c)))~~ Conspicuously display ((a current transient accommodation)) the license in the ((transient accommodation's)) lobby or office of the transient accommodation for which it is issued;

~~((d))~~ Cooperate with the department during on-site surveys and investigations;

~~((e))~~ (c) Conduct self-inspections as ((requested)) directed by the department;

~~((f))~~ Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form.

(i) A written plan of correction for each deficiency stated in the report; and

(ii) A progress report of corrections;

~~((g))~~ (d) Submit a response to a statement of deficiencies to the department by the date specified. For the purposes of this section, a statement of deficiencies means a written notice of any violation of chapter 70.62 RCW or the rules adopted thereunder, that describes the reasons for noncompliance. Responses shall include:

(i) A written plan of correction for each deficiency stated in the report. For the purposes of this section, a plan of correction is a proposal devised by the licensee or applicant that includes specific actions that must be taken and a time frame to accomplish them. The plan of correction must meet the approval of the department. Implementation is required unless modification is agreed to by the department and is subject to verification by the

department; and/or

(ii) A progress report of corrections, if required by the department. For the purposes of this section, a progress report means a document prepared by the licensee outlining the completion or ongoing status of efforts to correct deficiencies or violations cited in a survey. The licensee must send the progress report to the department as directed by the statement of deficiencies.

(e) Comply with a compliance schedule if ((issued by)) the department issues one. For the purposes of this section, a compliance schedule means a document listing violations and a time schedule for the licensee to follow in correcting violations. This schedule may be called a directed plan of correction (DPOC);

((th)) (f) Adequately supervise employees ((to keep)) and transient accommodation premises to ensure the transient accommodation ((facility)) is:

(i) Clean, safe, and sanitary; and

(ii) In good repair((- and

(iii) Free from infestation by insects, rodents, and other pests));

((i)) (g) Establish policies and procedures requiring employees to maintain good personal hygiene; ((and

(j)) (h) Consult with the department or local health department on any suspected imminent health hazard((-

(2)):

(i) Have a written basic emergency preparedness plan in the event of fire, power failure, transient accommodation problem, or natural or other disasters. Emergency response training must be conducted and documented annually or more often as needed.

(2) The licensee shall fully cooperate with the department in, and shall in no way impede, its administration and enforcement of the provisions of chapter 70.62 RCW and this chapter.

(3) An applicant or licensee may contest a department decision or action according to the provisions of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

((3) The department shall:

(a) Conduct an on-site survey prior to issuing an initial transient accommodation license;

(b) Conduct an on-site survey prior to approving the following types of construction in a currently licensed transient accommodation:

(i) A new building;

(ii) An addition, modification or alteration which substantially changes functional use; or

(iii) The conversion of an existing building for use as part of the transient accommodation;

(c) Conduct unannounced on-site surveys and investigations at any time to determine compliance with chapter 70.62 RCW and this chapter;

(d) Issue or renew a license when the applicant or licensee and the facility meet the requirements in chapter 70.62 RCW and this chapter;

(e) Allow self-inspections to encourage compliance with chapter 70.62 RCW and this chapter;

~~(f) Comply with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC when denying, suspending, modifying, or revoking a transient accommodation license; and~~

~~(g) Comply with RCW 43.70.095 when assessing civil fines.~~

~~(4) The department may deny, suspend, or revoke a transient accommodation license, or assess a civil fine, if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:~~

~~(a) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose, a material fact to the department;~~

~~(i) In an application for licensure or renewal of licensure;~~

~~(ii) In any matter under department investigation;~~

~~(iii) During an on-site survey; or~~

~~(iv) In a self-inspection;~~

~~(b) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;~~

~~(c) Fails or refuses to comply with the requirements of chapter 70.62 RCW or this chapter;~~

~~(d) Compromises the health or safety of a guest;~~

~~(e) Conducts business or advertising in a misleading or fraudulent manner;~~

~~(f) Refuses to allow the department access to facilities or records, or fails to promptly produce for inspection any book, record, document or item requested by the department, or willfully interferes with an on-site survey or investigation;~~

~~(g) Fails to pay a fine within ten days after the assessment becomes final or as agreed to by the department and the licensee, or~~

~~(h) Operates with a suspended or revoked license.~~

~~(5) The department may summarily suspend a license if the department determines a deficiency is an imminent threat to public health, safety or welfare.))~~

NEW SECTION

WAC 246-360-035 Authority of the department. (1) The department shall:

(a) Conduct an on-site survey prior to issuing an initial transient accommodation license;

(b) Conduct announced or unannounced on-site surveys during routine business hours and conduct complaint investigations at any time of its choosing to determine compliance with chapter 70.62 RCW and this chapter;

(c) Issue or renew a license when the applicant or licensee and the transient accommodation meet the requirements in chapter 70.62 RCW and this chapter;

(d) Allow self-inspections to encourage compliance with

chapter 70.62 RCW and this chapter;

(e) Comply with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC when denying, suspending, modifying, or revoking a transient accommodation license; and

(f) Comply with RCW 43.70.095 when assessing civil fines.

(2) The department may deny, suspend, or revoke a transient accommodation license if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:

(a) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose, a material fact to the department:

(i) In an application for licensure or renewal of licensure;

(ii) In any matter under department investigation, including in any plan of correction or other document required to be provided to the department;

(iii) During an on-site survey; or

(iv) In a self-inspection;

(b) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(c) Fails or refuses to comply with the requirements of chapter 70.62 RCW or this chapter;

(d) Knowingly, or with reason to know, compromises the health or safety of a guest;

(e) Fails to pay a fine within thirty days after the assessment becomes final or as agreed to by the department and the licensee; or

(f) Operates with a suspended or revoked license.

(3) In addition to any other rights allowed under applicable law, the department may address violations by an applicant or a licensee of chapter 70.62 RCW or this chapter by:

(a) A plan of correction may be offered if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature. Under this chapter, a "plan of correction" is a proposal devised by the applicant or licensee that includes specific corrective actions that must be taken to correct identified deficiencies and a time frame in which to complete them. The plan of correction must be approved. Implementation is required within the approved time frame, and is subject to verification by the department;

(b) A directed plan of correction may be offered if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety. Under this chapter, a "directed plan of correction" is a plan of correction based on a statement of deficiencies, and includes specific corrective actions that must be taken and a time frame in which to complete them. Under this chapter, a "statement of deficiencies" is a survey or investigation report completed by the department identifying one or more deficiencies. The final content of the directed plan of correction will be reached during meetings between the department and the licensee, following an initial statement of general requirements by the department. Timelines will be reduced to the minimum necessary, even prior to

formalization of the directed plan of correction, to redress problems; and/or

(c) Initiating administrative action, under chapter 34.05 RCW, RCW 43.70.115 and chapter 246-10 WAC, either as the department's primary alternative, or in the event the department requires corrective action under (a) or (b) of this subsection, and the applicant or licensee fails to correct identified deficiencies to the department's satisfaction within the approved time frame.

(4) In lieu of or in addition to license suspension or revocation, the department may assess a civil fine in accordance with RCW 43.70.095.

(5) The department may summarily suspend a license if the department determines a deficiency is an imminent threat to public health, safety or welfare.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-040 Water supply and temperature control. The licensee ~~((shall))~~ must:

(1) Provide ~~((a))~~ documentation that shows the water supply system ((conforming to)) is in compliance with state board of health standards for public water systems, chapters 246-290 and 246-291 WAC;

(2) ~~((Maintain the transient accommodation free of cross connections,))~~ Ensure that the system providing potable water to the transient accommodation is free of any actual or potential cross connections with any systems that could be a source of nonpotable liquid, solid, or gas that could contaminate the potable water supply by backflow;

(3) Provide hot and cold water under adequate pressure ~~((readily available))~~ accessible to guests at all times when the lodging unit is rented;

(4) Provide sinks and bathing fixtures used by guests with hot water ~~((between 110 and 130 degrees Fahrenheit at all times,))~~ at 110 degrees plus or minus 10 degrees Fahrenheit accessible at all times when the lodging unit is rented; and

(5) ~~((When transient accommodation laundry is washed on site, maintain a minimum wash water temperature of:~~

~~(a) 130 degrees Fahrenheit; or~~

~~(b) 110 degrees Fahrenheit in combination with:~~

~~(i) An appropriate low temperature detergent and effective use of a chemical disinfectant; or~~

~~(ii) An industrial-type washing machine with multiple rinse cycles, and~~

~~(6))~~ Label nonpotable water supplies at all accessible connections and valves "unsafe for drinking or other domestic use."

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-050 Sewage and liquid waste disposal. The licensee ((shall)) must ensure sewage and liquid waste drain into:

- (1) A municipal sewage system if available; or
- (2) A sewage disposal system designed, constructed, and maintained in accordance with chapters 246-272, 246-272B, and 173-240 WAC and local ordinances.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-070 Refuse and ((solid waste)) vectors. The licensee ((shall)) must:

(1) Provide in each lodging unit one or more washable, leak-proof refuse containers of adequate size, kept in sanitary condition, or an equivalent container(s) with a leak-proof disposable liner((s, in each lodging unit));

(2) Collect refuse as necessary to maintain a clean, and sanitary environment in and around the ((facility)) transient accommodation;

(3) Collect refuse from lodging units:

(a) After each guest occupancy; and

(b) ~~((Twice a week when guests stay longer than three days,))~~
At least every three days or more often as necessary to maintain a clean and sanitary environment in each guest's room;

(4) Handle refuse in a safe, clean and sanitary manner;

(5) Store outside refuse in washable, leak-proof, and closed covered containers ~~((to prevent the entrance of insects, rodents, birds, or other pests or nuisances outside the lodging units))~~, bins or dumpsters until removed for disposal, no less often than every two weeks; ((and))

(6) Remove and dispose of refuse in a manner consistent with state and local sanitation codes and ordinances; and

(7) Take measures to control vectors including insects, rodents and other pests, in and around the transient accommodation.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-080 Construction and maintenance. The licensee ((shall)) must:

- (1) Ensure ((new construction)) all buildings, facilities,

fixtures, furnishings and surroundings meet((s)) the requirements of:

- (a) Chapter 70.62 RCW and this chapter;
 - (b) Chapter 19.27 RCW state building code; ((and))
 - (c) All other applicable city and county codes and ordinances((7)).
- (2) ((Ensure)) Provide, upon request, documentation of compliance with WAC 246-360-080 (1)(b) and (c).
- (3) Ensure that all buildings, facilities, fixtures, common areas such as exercise rooms, public bathrooms, kitchens, utility sinks and guest laundry rooms and furnishings are structurally sound, safe, clean, cleanable and, sanitary((7 and
- ~~(3) Take measures necessary to control insects, rodents and other pests in and around the facility)), and in good repair.~~

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-090 Lodging units. The licensee ((shall)) must provide lodging units with:

~~(1) ((At least fifty square feet of total floor area, not counting areas with a ceiling height lower than five feet, for each guest;))~~ An occupancy level not to exceed the number of persons accommodated by the beds present, based on their intended maximum usage; and

~~(2) Adequate space to ((allow easy movement between beds, cots, mats or mattresses,~~

~~(3) Three or more feet of clear vertical space between each bed or top bunk and the ceiling; and~~

~~(4) Cleanable floors and walls kept in good repair))~~ provide a clear path of egress from each bed, including any cot, crib, mat or mattress, to the exit of the sleeping room or unit in case of fire:

(a) An aisle at least thirty-six inches wide from one side of each bed that is part of the regular furnishings of the unit;

(b) An aisle at least eighteen inches wide from one side of each temporary bed, other than an infant's crib, that is no more than thirty-eight inches high, provided that the placement of the temporary bed does not obstruct the egress aisles required for other beds;

(c) An aisle at least twenty-eight inches wide from one side of each temporary infant's crib and each temporary bed above a height of thirty-eight inches, provided that the placement of the temporary bed does not obstruct the egress aisle required for other beds; and

(d) For purposes of this section, a temporary bed is any easily transported bed, cot, crib, mattress, pad or other furnishing intended for sleeping that is provided only at the

request of a guest and is removed or stored when the guest departs.

(3) Floors, ceilings, doors, walls, carpet, windowsills, window tracks, electrical switches, locking mechanisms and receptacle plates kept clean, cleanable and in good repair;

(4) Wall and ceiling mounted lighting fixtures firmly secured and in good repair; and

(5) If a phone or other reliable communication device is provided for a lodging unit, it must be capable of allowing immediate communication and connection to police, fire department, paramedic, poison control, hazardous material team or other local emergency responder.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-100 Bathrooms, ~~((toilet rooms))~~ water closets, and handwashing sinks. The licensee ~~((shall))~~ must:

(1) Provide adequate private or common-use bathrooms, ~~((toilet rooms))~~ water closets, and handwashing sinks to meet the needs of guests;

(2) Provide private and common-use bathrooms, ~~((toilet rooms))~~ water closets, and handwashing areas with cleanable floors, walls, ceilings, fixtures and furnishings;

(3) Provide an uncarpeted, easily cleanable area around each ~~((toilet))~~ water closet and adjacent to each bathing fixture;

(4) Maintain safe and properly working fixtures and drains;

(5) Provide slip-resistant appliques, mats, or other devices in bathtubs and/or showers;

(6) Provide a means to maintain privacy for toileting and bathing;

~~((+6+))~~ (7) Provide water flush ~~((toilets))~~ water closets unless the licensee has approval from the department and local health ~~((district))~~ jurisdiction for alternative devices;

~~((+7+))~~ (8) Provide a handwashing sink or equivalent within, or adjacent to, each ~~((toilet))~~ water closet room;

~~((+8+))~~ (9) Provide easy access to an acceptable single-use drying device from each common-use handwashing sink;

~~((+9+))~~ (10) Provide toilet tissue conveniently located by each toilet;

~~((+10))~~ For transient accommodations other than rustic resorts, provide soap for each handwashing and bathing fixture;

~~((+11))~~ For transient accommodations other than rustic resorts, provide)) (11) Provide soap for each handwashing and bathing fixture;

(12) Provide an adequate supply of clean towels, washcloths and floor mats:

(a) For guests upon arrival; and

(b) At least ~~((twice a week for guests who stay longer than~~

three days) weekly or at the request of the guest;

~~((+12+))~~ (13) Assure clean towels, washcloths and floor mats ~~((stored))~~ kept in lodging units and common bathrooms are stored in a clean area off the floor; and

~~((+13+))~~ (14) For lodging units that do not have water closets, and handwashing sinks, provide common-use bathrooms, ((toilet)) water closet rooms and handwashing sinks meeting the requirements of this section in a ratio of one bathing fixture, one ((toilet)) water closet and one handwashing sink for each fifteen or fewer guests ((without such fixtures in their lodging units)). A bathing fixture means a shower, bathtub or combination bathtub/shower.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-110 Lodging unit kitchens. (1) A licensee offering kitchens in lodging units ~~((shall))~~ must provide each kitchen with:

(a) Cleanable and durable floors and walls in good repair. Effective October 31, 2005, lodging unit kitchens must be uncarpeted and covered with a cleanable floor covering;

(b) Ventilation according to the provisions of WAC 246-360-140;

(c) A sink, other than ((the)) a "handwashing sink," ((suitable for washing dishes)) and defined as a "kitchen sink" that shall be of a sufficient size to accommodate the largest utensil in the lodging unit;

(d) Hot running water according to the provisions of WAC 246-360-040;

(e) A refrigeration device that ((maintains)) is:

(i) Capable of maintaining food at a temperature of 45 degrees Fahrenheit or lower((7

(f) Cooking equipment acceptable to the state director of fire protection)); and

(ii) Kept in good repair and in sanitary condition;

(f) Permanently installed cooking equipment meeting nationally recognized testing standards and installed according to local building codes;

(g) A cleanable, nonabsorbent food storage area;

(h) A cleanable table, counter, and chairs, or equivalent; and

(i) A washable, leak-proof waste food container kept in sanitary condition or equivalent container with a disposable leak-proof liner.

(2) The licensee shall clean and sanitize food preparation areas, refrigerator and reusable utensils between each guest occupancy.

(3) A licensee providing utensils shall comply with the

provisions of WAC 246-360-160(2).

(4) A licensee shall discard all opened or unused food items left in the units by previous guests.

(5) A licensee offering lodging units that are equipped with only a microwave and mini refrigerator is exempted from this section.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-120 Heating and cooling. (1) The licensee ~~((shall))~~ must provide a safe, adequate means of maintaining an ambient air temperature of at least 65 degrees Fahrenheit in each lodging unit.

(2) A licensee providing a cooling system ~~((shall))~~ must keep the system safe, clean, and in good working condition.

(3) All air filters must be cleaned or replaced regularly or as needed.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-130 Lighting. The licensee ~~((shall))~~ must:

(1) Maintain light intensities adequate for safety ((and facility maintenance with minimum light intensities measured at a height of three feet above the floor, as follows:));

((Lodging Unit	40 Foot Candles
Toilet rooms, bathrooms and handwashing areas	20 Foot Candles
Lodging Unit Kitchen	20 Foot Candles
Laundry Room Work Areas	30 Foot Candles
Corridors, Stairways, and Entryways	5 Foot Candles
Elevators, Walkways	5 Foot Candles
Swimming Pools	As required under chapter 246-260 WAC
Parking lots and exterior passages	5 Foot Candles measured three feet above the ground.))

(2) Upon request from a guest, provide additional light for

tasks or general illumination; and

(3) Provide emergency lighting to guests in the event of a power outage.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-140 Ventilation. (1) The licensee ((shall)) must provide ventilation in all lodging units, kitchen areas, bathrooms, ((toilet)) water closet rooms, and laundry rooms.

(2) ((A licensee providing only natural ventilation:

(a) ~~In lodging units shall provide operable windows, vents, or ducts opening directly to the out-of-doors, and~~

(b) ~~In kitchen areas, bathrooms, toilet rooms and laundry rooms shall provide operable windows, operable skylights, or ceiling vents opening directly to the out-of-doors sufficient to allow five air exchanges per hour.~~

(3) ~~A licensee providing mechanical ventilation systems shall assure the system provides:~~

(a) ~~Two or more air exchanges per hour to each lodging unit and corridor;~~

(b) ~~Five or more air exchanges per hour to kitchen areas, bathrooms, toilet rooms and laundry rooms, and~~

(c) ~~Air circulation to and from the out-of-doors.))~~ All areas of the building must be ventilated to minimize odors and moisture. The ventilation system must be in compliance with the Washington Ventilation and Indoor Air Quality Code, chapter 51-13 WAC.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-150 Beds and bedding. A licensee providing beds ((shall)) must:

(1) Provide clean, sanitary mattresses and bedding in good repair;

(2) Maintain durable, clean, and safe beds, cots, bunks, or other furniture for sleeping;

(3) ((Assure bunk beds, if used, have a clear vertical space of at least twenty-seven inches between the bottom bunk and top bunk;)) Ensure bunk beds have sufficient unobstructed vertical space so that an adult may sit up comfortably between the bottom and top bunk, or the top bunk and ceiling;

(4) Not provide, or allow the use of, triple bunk beds;

(5) Supply each bed, cot, or bunk with a clean mattress or

cushioned pad, top and bottom sheet, mattress pad, pillow ((and)), pillowcase, and blankets unless the ((facility is:

- (a) A rustic resort,
- (b) A crisis shelter, or
- (c) A hostel,

~~(6) Provide clean spreads, blankets and mattress pads as needed,~~

~~(7) Provide clean pillowcases and sheets.~~

~~(a) For guests upon arrival, and~~

~~(b) At least twice a week for guests staying longer than three days, and)) transient accommodation is a hostel.~~

(6) Ensure that blankets, bedspreads and mattress pads are cleaned regularly or more often when visibly soiled.

(7) Provide clean replacement pillowcases and sheets for guests upon arrival and at least weekly or as requested by a guest.

(8) Ensure ((clean)) that bedding kept in the lodging unit((s)) is stored in a clean area off the floor.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-160 Food and beverage services. (1) A licensee providing food service to guests ((shall)) must meet the requirements of:

- (a) Chapter 246-215 WAC, Food service;
- (b) Chapter 246-217 WAC, Food worker permits; and
- (c) Local ordinances.

(2) A licensee providing cooking utensils and ice buckets for guests ((shall)) must:

~~(a) ((Dispose of, and replace, single-use utensils and ice buckets between guest occupancies,~~

~~(b) Clean and sanitize multiple-use utensils and ice buckets between guest occupancies.~~

~~(i) In lodging unit kitchens meeting the requirements in WAC 246-360-110, or~~

~~(ii) In a clean and sanitary area separate from bathrooms, toilet rooms and adjoining handwash sinks,~~

~~(c)) Wash, handle and store utensils and ice buckets in a safe and sanitary manner to protect from contamination; ((and~~

~~(d)) (b) Maintain reusable cooking utensils and ice buckets in good condition, free from cracks, chips and distortions caused by damage or excessive use; and~~

(c) If a lodging unit is equipped with a kitchen that meets the requirements in WAC 246-360-110, the licensee must clean and sanitize utensils and ice buckets in a clean and sanitary area separate from bathrooms, water closet rooms, and adjoining hand washing sinks.

(3) If ice is provided, the licensee ((shall)) must store and

dispense ice in a sanitary manner(~~(, including)~~) by:

(a) Cleaning and sanitizing ice machines at least twice a year or more often as needed or in accordance with the manufacturer's instructions; and

(b) Restricting guest access to unprotected bulk ice by:

(i) Providing self-dispensing ice machines or other "no contact" dispensing methods; or

(ii) Having employees with basic food handling training dispense bulk ice to guests.

(4) The licensee (~~shall~~) must clean, maintain, and properly adjust the water flow in drinking fountains to ensure there is adequate pressure.

(5) Upon the department's request, the licensee must provide: A copy of the transient accommodations' current food service permit, and food handlers' permits issued by the local health jurisdiction.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-180 Laundry. The licensee (~~shall~~) must:

(1) Provide clean, sanitary bedding, linens, towels, washcloths, and other items intended for guest use by:

(a) (~~Maintaining a laundry according to the provisions in this chapter, or~~

~~(b) Using a commercial laundry or other laundry meeting the requirements in WAC 246-360-040 and this section,~~

~~(2)) Using a commercial laundry service; or~~

(b) Washing and sanitizing laundry in accordance with the washer's manufacturer's recommendations and detergent and sanitizer instructions; and drying laundry in accordance with the dryer manufacturer's instructions when using a dryer.

(2) Ensure lint screens on on-site dryers are cleaned daily during normal operation or as needed.

(3) Store (~~the~~) clean and sanitized bedding, linens, towels, washcloths and other items in an area:

(a) Designated for clean items only;

(b) Off the floor;

(c) Protected from contamination; (~~and~~)

(d) (~~Without access by~~) Inaccessible to guests, pets or other animals; and

~~((3))~~ (e) Away from excessive moisture or humidity.

(4) Provide a means for handling, transporting, and separating soiled bedding, linens, towels, washcloths, and other items to prevent cross-contamination of clean items;

(5) Provide handwashing facilities that are readily accessible to employees as described in WAC 296-823-14030.

(6) Effective October 31, 2005, ensure that laundry room

flooring is uncarpeted and covered with a cleanable floor covering.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-200 Safety, chemical, and physical hazards. The licensee ~~((shall))~~ must:

(1) Establish and follow policies and procedures for properly and safely storing ((and)), labeling, and using all hazardous chemical agents or any substance bearing a warning label, such as cleaners, solvents, disinfectants and insecticides to assure ((chemical agents)) they are:

(a) ~~((Inaccessible to guests other than small amounts of household cleaners stored in lodging unit kitchens,~~

~~(b)))~~ Stored to prevent contamination of clothing, towels, washcloths, and bedding materials, and away from food items or anything intended for consumption; and

~~((c)))~~ (b) Used according to manufacturer's precautions and recommendations;

(2) Provide adequate and safe hand railing for all stairways, porches, and balconies ~~((7~~

~~(3) Ensure gas and oil-fired space heaters and water heaters are vented to the out-of-doors; and~~

~~(4) Eliminate known physical hazards))~~ including appropriate spacing between slats;

(3) Eliminate all known environmental health and safety hazards in and around the transient accommodation, including hazards resulting from fire, natural or other disasters and chemical or biological contamination. The presence of any hazard must be fully eliminated prior to reoccupancy of any affected area or living unit. When a hazard is confirmed, approval from any and all appropriate local authorities is required prior to reoccupancy;

(4) Ensure all doors providing access to a lodging unit is equipped with a suitable locking security device in compliance with applicable building and fire codes; and

(5) If spas, pools and/or hot tubs are provided, have available for review a copy of a current water recreation facility permit issued by the local health jurisdiction.

NEW SECTION

WAC 246-360-220 Fire safety. The licensee must establish and maintain a fire-safe environment:

(1) Except as described in subsection (2) of this section, the

licensee must establish and implement a written plan to ensure:

(a) Smoke detectors are installed and maintained in all sleeping rooms or sleeping areas. Nonrechargeable batteries in smoke detectors must be replaced each year or per manufacturer's instructions. Rechargeable batteries must be charged and maintained or replaced per the manufacturer's instructions.

(b) Fire extinguishers are inspected when initially placed in service and at approximately thirty-day intervals. Fire extinguishers must be inspected manually or by electronic monitoring, at more frequent intervals when circumstances require. Periodic inspection of fire extinguishers must include a check of at least the following items:

- (i) Location in designated place;
- (ii) No obstruction to access or visibility;
- (iii) Operating instructions on nameplate, legible and facing outward;
- (iv) Safety seals and tamper indicators not broken or missing;
- (v) Fullness determined by weighing or "hefting";
- (vi) Examination for obvious physical damage, corrosion, leakage, or clogged nozzle;
- (vii) Pressure gauge reading or indicator in the operable range or position;
- (viii) Condition of tires, wheels, carriage, hose, and nozzle checked (for wheeled units); and

(ix) Hazardous material identification system label in place.

(c) If a fire alarm system is installed:

(i) The system, including initiating devices and notification appliances, is regularly inspected, tested, and maintained by the owner or the owner's designated representative in accordance with the requirements of NFPA 72 and records of this inspection are maintained for review by the department during survey;

(ii) Unless otherwise recommended by the manufacturer, single and multiple station smoke alarms installed in one- and two-family dwellings must:

(A) Be replaced when they fail to respond to operability tests; and

(B) Must not remain in service longer than ten years from the date of manufacture.

(d) If an automatic fire suppression system is installed:

(i) The system must be inspected, tested and maintained in accordance with procedures established in NFPA 25; and

(ii) Valves designed to be open under normal system operation must be kept in open position and only closed with approval of the authority having jurisdiction.

(e) Obstructions, including storage, ensuring they are not placed in the required means of egress, except projections allowed by the building code. Means of egress must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. Exit doors must not be locked in the direction of egress unless a special egress control device is installed per the building code.

(2) In lieu of the requirements of subsection (1) of this section, the licensee may maintain as part of the facility's

written plan, evidence satisfactory to the department of current fire, life, and safety inspection conducted by the local fire jurisdiction.

(3) The licensee must ensure that gas, oil-fired, or other fuel-burning appliances including fireplaces, dryers, stoves and water heaters, are vented to the out-of-doors as specified in the manufacturer's instructions and current applicable state codes adopted by the state building code council.

(4) The licensee may not use extension cords in the lodging units unless prior written approval from the local fire jurisdiction is available for the surveyor's review.

(5) If candle holders and other open flame candles, lanterns or other open flame light sources and decorations are present:

(a) Candle holders and other open flame devices must be designed to return to the upright position after being tilted to an angle of forty-five degrees from vertical.

(b) Liquid or solid-fueled lighting devices containing more than eight ounces of fuel must:

(i) Self-extinguish and not leak fuel at a rate of more than one-quarter teaspoon per minute if tipped over.

(ii) Have a fully enclosed flame except as follows:

(A) Openings on the side must not be more than three-eighths inch in diameter;

(B) Openings on the top and the distance to the top must be such that a piece of tissue paper placed on the top will not ignite in less than ten seconds; and

(C) Candelabras with flame lit candles must be securely fastened in place to prevent overturning and must be located away from the occupant using the area and away from possible contact with drapes, curtains, or other combustibles.

(6) Portable space heaters, which are prohibited unless prior written approval from the local fire authority has been obtained and made available for the surveyor's review.

NEW SECTION

WAC 246-360-230 Rustic resorts. (1) If the transient accommodation is a rustic resort, the licensee must ensure the transient accommodation meets the requirements of:

(a) The administrative regulations specified in:

(i) WAC 246-360-020 Licensure;

(ii) WAC 246-360-030 Responsibilities and rights--Licensee and department;

(iii) WAC 246-360-500 Exemptions; and

(iv) WAC 246-360-990 Fees.

(b) The environmental regulations specified in:

(i) WAC 246-360-040 Water supply and temperature control;

(ii) WAC 246-360-050 Sewage and liquid waste disposal;

(iii) WAC 246-360-070 (1), (4), (5), (6) and (7) Refuse and vectors;

(iv) WAC 246-360-100 (1) through (10) and (14) Bathrooms, water closets, and handwashing sinks;

(c) The transient accommodation regulations specified in:

(i) WAC 246-360-080 Construction and maintenance; and

(ii) WAC 246-360-090 Lodging units;

(d) Safety related regulations specified in:

(i) WAC 246-360-200 Safety, chemical and physical hazards; and

(ii) WAC 246-360-220 Fire safety.

(2) If the licensee provides the amenities and services addressed in all or part of the following sections, the licensee must also meet the requirements as specified in the sections:

(a) WAC 246-360-100 (11), (12) and (13) Bathrooms, water closets, and handwashing sinks;

(b) WAC 246-360-110 Lodging unit kitchens;

(c) WAC 246-360-120 Heating and cooling;

(d) WAC 246-360-150 Beds and bedding;

(e) WAC 246-360-160 Food and beverage services;

(f) WAC 246-360-180 Laundry;

(g) WAC 246-360-130 Lighting; and

(h) WAC 246-360-140 Ventilation.

(3) If the licensee does not provide the services and amenities addressed in subsection (2) of this section, the licensee must adopt the decision as written policy and upon request must make the policy available to the surveyor.

(4) A licensee may not advertise as providing services that are not provided at the rustic resort.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-500 Exemptions. (1) A licensee (~~wishing to~~) may request an exemption from a requirement in this chapter (~~shall submit~~) for part or all of a particular licensure period by submitting a written request to the department, including:

~~(a) (A description of the requested exemption;~~

~~(b) Reason for the exemption; and~~

~~(c) Impact of the exemption on public health and safety.~~

~~(2) If the department determines the exemption will not jeopardize public health or safety, and is not contrary to the intent of chapter 70.62 RCW and this chapter, the department may:~~

~~(a) Exempt the licensee from meeting a specific requirement in this chapter; or~~

~~(b) Allow the licensee to use another method of meeting the requirement.~~

~~(3) The licensee shall retain a copy of each approved exemption in the transient accommodation.)~~ The specific section

number or numbers of the rule for which exemption is requested;
(b) An explanation of the circumstances involved;
(c) A proposed alternative that meets the intent of the rule
and ensures guest safety and health;
(d) Any supporting research or other documentation; and
(e) The time period for which an exemption is requested.
(2) The department will grant or deny exemption requests after
the department has received an exemption request with complete
relevant information from the licensee. After review and
consideration, the exception may be granted if it will not:
(a) Negate the purpose and intent of these rules;
(b) Place the safety or health of the guests in the transient
accommodation in jeopardy;
(c) Lessen any fire and life safety or infection control
provision of this chapter or other codes or regulations; and
(d) Affect any structural integrity of the building.
(3) The department will document the exemption decision and
will keep the decision as a part of the current transient
accommodation file. The licensee must maintain the documented
exemption decision on file in the transient accommodation.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT
For Rules Concerning Transient Accommodations
Chapter 246-360 WAC

Background

Under RCW 70.62.240, the Washington State Board of Health is empowered to adopt rules to assure that each transient accommodation will be operated and maintained in a manner consistent with the health and safety of the members of the public using such facilities. Under RCW 70.62.250, DOH can administer and enforce these adopted rules.

Rulemaking Requirements of the Regulatory Fairness Act (RCW 19.85)

The Regulatory Fairness Act, RCW 19.85.030 requires the Department to conduct a Small Business Economic Impact Statement (SBEIS) for proposed rules that have more than minor impact on small businesses. As defined in RCW 19.85.020, a small business is "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees."

1. Briefly describe the proposed rule.

The proposed rule outlines the minimum public health and safety standards for the licensure and operation of transient accommodations in Washington State.

Minor changes:

- Condense and clarify wording, grammar, structure, and formatting.
- Clarify requirements for licensing, reporting, documentation, and compliance.
- Remove issues unrelated to public health.
- Update terminology to reflect current usage.
- Provide a quick reference guide for rustic resorts.

Changes likely to ease requirements:

- Reflect the National Fire Association Life Safety Code (WAC 212-12-010(3)) by describing required aisle width of thirty-six inches from one side of a bed that is part of the regular furnishings of the unit, or less for temporary beds or temporary cribs.
- Reduce the change of linen to weekly or as needed by guest to reflect current industry practice; currently, licensees must wash linens twice a week.
- Maintain light intensities adequate for safety; currently, there are minimum light intensities for lodging facilities.
- Provide clean replacement pillowcases and sheets at least weekly or as requested by a guest; current language requires licensees to clean pillowcases and sheets at least twice a week for guests staying longer than three days.
- Allow licensees to clean and sanitize ice machines in accordance with manufacturer's instructions.
- Allow licensees to wash and sanitize laundry in accordance with the washer manufacturer's recommendations and detergent and sanitizer instructions.
- Permit the use of air drying as an option for drying laundry items.

Changes with the potential to impose additional requirements:

- Require a written basic emergency preparedness plan.
- Maintain documentation of an on-going annual (or as needed) training procedure for implementing the emergency preparedness plan.

- Require that any phone or communication devices provided to a unit be capable of communication to police, fire department, paramedic, poison control, hazardous material team, or other local emergency responder without delay. Under current practice, most or all phones and communication devices are connected to such services.
- Require the occupancy level of a lodging unit to be limited to the number of persons accommodated by the beds present, based on their intended maximum usage; the current rule defines a minimum of fifty square feet of total floor area per guest.
- Require lodging unit licensees to assure that bunk beds, if used, have sufficient unobstructed vertical space so that an adult may sit up comfortably between the bottom and top bunk, or between the top bunk and the ceiling; currently, licensees must maintain a vertical space of at least twenty-seven inches between the bottom bunk and top bunk.
- Provide slip resistant appliqués, mats, or other devices in bathtubs and/or showers.
- Require licensees to replace all carpets located in kitchens with cleanable, durable floor covering in good condition by October 31, 2005.
- Require all air filters to be cleaned or replaced regularly or as needed.
- Provide additional light for tasks or general illumination upon request from a guest.
- Provide emergency lighting to guests in the event of a power outage.
- Ensure that blankets, bedspreads, and mattress pads are cleaned regularly or more often when visibly soiled.
- Ensure that dryer lint screens are cleaned daily during normal operation or as needed.
- Require all laundry room flooring to be uncarpeted and covered with an easily cleanable floor covering by October 31, 2005.
- Eliminate all known environmental health and safety hazards in and around the facility, including hazards resulting from fire, natural or other disasters, and chemical or biological contamination. The presence of any hazard must be fully eliminated prior to re-occupancy of any affected area or living unit. When a hazard is confirmed, approval from any and all appropriate local authorities is required prior to re-occupancy.
- Require that doors providing access to a lodging unit be equipped with a suitable locking security device in compliance with applicable building and fire codes.
- Require that licensees with spas, pools, and/or hot tubs have available for review a copy of a current recreational water permit issued by the local health jurisdiction.

Other changes:

- Outline how DOH will proceed in case of deficiencies at a facility.
- Require the transient accommodation licensee to check key components in the fire code because fire safety inspections are not uniformly available statewide. The surveyor would refer problem facilities to the appropriate fire jurisdiction.

2. Is a Small Business Economic Impact Statement (SBEIS) required for this rule?

Yes.

3. Which industries are affected by this rule?

In preparing this small business economic impact statement (SBEIS), the Department of Health used the following SIC codes:

SIC Industry Code and Title	No. Of businesses	No. Of Employees	Average No. Of Employees For Smallest Businesses	Average No. Of Employees for 10% of Largest Businesses
6513 Apartment building operators	1,984	11,801	4	136
7011 Hotels and motels	1,225	25,493	5	88
7021 Rooming and Boarding houses	16	122	5	14

SIC	Description	Minor Impact Threshold (\$)
6513	Apartment building operators	109.72
7011	Hotels and motels	66.10
7021	Rooming and Boarding houses	66.10

Establishments that are available only to members, have fewer than three units, or do not offer lodging units for less than thirty days are not under the DOH licensing and inspection program. DOH does not have the authority to license and inspect such accommodations. The data above reflects these restrictions.

4. What are the costs of complying with this rule for small businesses (those with 50 or fewer employees) and for the largest 10% of businesses affected?

1. Emergency Preparedness Plan and Training (WAC 246-360-030 (1)(h)(i))

Description: Facilities are not currently required to have an emergency preparedness plan or annual emergency response training. Under the proposed rule, the licensee must have a written basic emergency preparedness plan in the event of fire, power failure, facility problem, or natural or other disaster. Emergency response training must be conducted and documented annually or more often as needed.

Costs: The associated costs are the time and resources needed to generate and maintain the written basic emergency preparedness plan. The licensee must also conduct training and document this training. The nature of the emergency response plan will depend on the size of the transient accommodation. For example, a five-story transient accommodation emergency response plan will be more complex than a one-story, four-unit transient accommodation.

DOH estimates (from phone conversations with the Washington State Hotel and Lodging Association) that a basic plan for a median transient accommodation will take 30 hours to complete by a manager at an estimated hourly wage of \$37 for \$1,110 in total costs. For the training of transient accommodation employees, the initial time of 10 hours will cost \$370. The total first time cost to generate the emergency plan is therefore \$1,480. The annual cost to update the plan and maintain employee training is estimated to be 30 hours at a cost of \$1,110 per year. This includes updating the telephone and key person lists and assignments, training personnel, and attending to any unforeseen change.

DOH estimates the cost for generating an emergency preparedness plan and training for a small four-unit one-story facility would be about \$740. On the other hand, a large transient accommodation (fifty units or more) would be more complex. However, a larger transient accommodation would already have emergency information in each room and emergency lighting installed as part of life safety requirements for the local Certificate of Occupancy. The additional cost for generating an emergency preparedness plan and training for a 50-unit facility is about \$2,700.

2. Providing Slip Resistant Appliqués, Mats, or Other Devices (WAC 246-360-100 (5))

Description: Slip resistant appliqués, mats, or similar devices currently are not required in transient accommodation bathrooms. Under the proposed rule, slip resistant appliqués, mats, or similar devices will be required in each bathroom.

Costs: A DOH survey found each appliqué to cost \$2 and each mat to cost \$5; labor costs for installation would be minor. Total costs per facility depend on the number of bathrooms in each facility. Costs for a small 4-unit facility would be approximately \$20 while costs in a large 50-unit facility would be approximately \$250.

3. *Providing an Adequate Supply of Clean Towels, Washcloths, and Floor mats (WAC 246-360-100 (12)).*

Description: The current rule only requires licensees to provide clean towels, washcloths, and floor mats. Under the proposed rule, licensees must ensure that these items are available in adequate supplies for transient accommodation guest use.

Costs: The cost to affected small and large businesses is the potential purchase of clean towels, washcloths, and floor mats. DOH assumes most transient accommodations have sufficient supplies of each item; however, no current rule requires each accommodation to make available adequate supplies. For facilities without adequate supplies, it is reasonable to assume that the cost of acquiring adequate supplies would be proportional to the size of the facility.

4. *Washing Towels, Washcloths, Floor Mats, Pillowcases, and Sheets (WAC 246-360-100 (12) (b) and WAC 246-360-150 (7))*

Description: Facilities are currently required to wash linens twice a week. Under the proposed rule, facilities will be required to wash linens once a week or as requested by the guest.

Costs: This rule change is likely to reduce costs for affected businesses.

5. *Replacing Carpet Flooring in Kitchens (WAC 246-360-110 (2) (a))*

Description: Effective October 31, 2005, carpets will not be considered appropriate floor covering in lodging unit kitchens.

Costs: The associated costs are the replacement of the carpet flooring with a cleanable, durable floor covering. A DOH survey found the average kitchen to be 100 square feet in both small and large businesses. The time to remove the carpet from the 100 square feet and install cleanable, durable floor covering is 8 hours for one person. At an hourly wage of \$25 per hour, the total labor cost will therefore be \$200. Also, the cleanable, durable flooring in good condition will cost \$15 a square yard, or \$167 for 100 square feet. Combining these costs with removal costs yields a total of \$367 per kitchen floor replacement. These costs will be partly mitigated by the lower maintenance costs associated with using a cleanable floor covering instead of carpet.

Total costs per facility depend on the number of kitchens in each facility. Replacement costs for a small 4-unit facility would be approximately \$1,468 while costs in a large 50-unit facility would be approximately \$18,350.

6. *Replacing Carpet Flooring in Laundry Rooms (WAC 246-360-180 (6))*

Description: Effective October 31, 2005, laundry room flooring must be uncarpeted and covered with a cleanable floor covering.

Costs: The associated costs are the replacement of the carpet flooring with a cleanable, durable floor covering. A DOH survey found the average laundry facility to cover 250 square feet in both small and large businesses. The time to remove the carpet from the 250 square feet and install cleanable, durable floor covering is 20 hours for one person. The estimated hourly wage to accomplish the task is \$25 per hour. The total cost of labor for 250 square feet of laundry facility floor is \$500. Also, the cleanable, durable flooring will cost an estimated \$15 per square yard. The cost for 250 square feet is \$417 to the lodging unit licensee. The total cost of compliance is \$917 per laundry facility floor replacement. (Total costs per facility would depend on the number and size of laundries in each facility.) These costs will be partly mitigated by the lower maintenance costs associated with using a cleanable floor covering instead of carpet.

7. *Replacing and Cleaning Air Filters (WAC 246-360-120 (3))*

Description: No current rule requires air filters in transient accommodations. Under the proposed rule, transient accommodation licensees are required to clean or replace all air filters regularly or as needed.

Costs: The associated costs are the purchase of new air filters and the labor to replace and clean each air filter. A DOH survey found the cost of an air filter is \$4. Also, affected businesses must pay an employee to clean and/or replace the air filter. (Total costs per facility would depend on the number of air filters in each facility.) Also, DOH assumes most transient accommodations already clean and replace air filters on a regular schedule and therefore that the proposed rule will not significantly affect most businesses.

8. *Storing and Providing Additional Lighting (WAC 246-360-130 (2))*

Description: The current rule requires licensees to maintain light intensities adequate for safety. Under the proposed rule, the licensee is required to provide additional light for tasks or general illumination upon request from a transient accommodation guest.

Costs: The cost to affected small and large businesses is the potential purchase of additional lighting items. DOH assumes most transient accommodations have sufficient lighting supplies of each item; however no current rule requires each accommodation to make available adequate supplies. For facilities without adequate supplies, it is reasonable to assume that the cost of acquiring adequate supplies would be proportional to the size of the facility.

9. *Providing Emergency Lighting (WAC 246-360-130 (3))*

Description: Transient accommodations have no requirement to provide emergency lighting. Under the proposed rule, the licensee must provide emergency lighting in the event of a power outage.

Costs: The associated costs are the time and resources to install emergency lighting in the transient accommodation. Emergency lighting is dependent on the size of the facility. A smaller facility will require flashlights, while a larger facility will require a battery pack emergency lighting system. However, most transient accommodations already have an emergency lighting system and thus the rule amendment will not affect most transient accommodations. For facilities without appropriate emergency lighting, it is reasonable to assume that the cost of acquiring adequate supplies would be proportional to the size of the facility.

10. *Cleaning Blankets, Bedspreads and Mattress Pads (WAC 246-360-150 (6))*

Description: The current rule requires the licensee to provide clean blankets, bedspreads and mattress pads as needed. Under the proposed rule, the licensee must ensure that blankets, bedspreads and mattress pads are cleaned regularly or more often when visibly soiled. The proposed rule change seeks to ensure a regular schedule for cleaning the mentioned items.

Costs: Transient accommodations that already have a schedule will not incur additional costs as a result of the proposed rule. However, if a facility does not have an established cleaning schedule, the facility will most likely have to increase the frequency of cleaning the mentioned items and incur costs of labor, electricity, and cleaning supplies. These costs will vary depending on the size of the facility and the frequency of cleaning. We consider as examples a small 4-unit facility and a large 50-unit facility, both of which decide to clean blankets, bedspreads, and mattress pads once a month plus 20% in additional "as needed" cleanings each month.

For both facilities, the associated costs are the cleaning costs and the housekeeper's time in stripping and remaking the beds and transporting the dirty linens for laundry; there are also likely to be costs incurred because of a need to purchase additional bedding. Based on phone conversations with national laundry and linen companies, DOH estimates cleaning costs of \$7.50 and purchase costs of \$85 for each set of bedspread, blanket, and mattress pad. DOH also estimates one hour of labor per set, plus supervisory labor. For labor costs we use the following information provided by the Washington State Hotel and Laundry Association: the median hourly rate for a transient accommodations manager is \$35; for an Executive Housekeeper, \$17; and for a Housekeeper, \$12.

For the small facility with 4 units, monthly cleaning (regular plus as-needed) totals five sets. At \$7.50 per set, washing costs total \$37.50; at \$35 per set for labor costs by a manager, labor costs total \$175. Monthly cleaning costs therefore total \$212.50. We also estimate that the facility will need to purchase one additional set on an as-needed basis at a cost of \$85.

For a large facility with 50 units, monthly cleaning (regular plus as-needed) totals 60 sets. At \$7.50 per set, washing costs total \$450; at \$12 per set for labor costs by a Housekeeper, cleaning labor costs total \$720; oversight by an Executive Housekeeper (estimated at 1 hour per week) and by a Manager (estimated at 1 hour per month) add costs of \$103. Monthly cleaning costs therefore total \$1273. We also estimate that the facility will need to purchase 10 additional sets on an as-needed basis at a cost of \$850.

11. Eliminating Environmental Health and Safety Hazards (WAC 246-360-200 (3))

Description: The proposed rule clarifies the responsibility of transient accommodation licensees to eliminate all known environmental health and safety hazards. The Department of Ecology and local health departments currently require licensees to comply with this rule, but no language in transient accommodation rules requires the same.

Costs: There are no associated costs to adopt the proposed rule because affected businesses currently must conform to the same rule from the Department of Ecology and local health departments. For reference, a DOH survey found the cost to clean up a methamphetamine lab is approximately \$6,500 per 1,200 square feet. The transient accommodation must also pay \$1,200 for a follow-up inspection/clean up to ensure that the grounds are completely decontaminated.

12. Suitable Locking Security Devices (WAC 246-360-200 (4))

Description: Under the proposed rule, licensees would be required to equip each door providing access to a lodging unit with a suitable locking security device in compliance with applicable building and fire codes. Currently, no rule requires such action.

Costs: The associated costs are the purchasing of suitable locking devices and the labor to equip each door providing access to a lodging unit with the locking device. A DOH survey found a suitable locking device to cost \$12. The labor to install the locking device is estimated to be one hour of labor at \$25 an hour, yielding a total cost of \$37 per door. Most affected businesses currently comply with the proposed rule and will therefore not incur any additional costs as a result of the rule. For facilities without appropriate locking devices, total costs depend on the number of doors in each facility. Replacement costs for a small 4-unit facility would be approximately \$148 while costs in a large 50-unit facility would be approximately \$1,850.

13. Occupancy Level (WAC 246-360-090 (1))

Description: Currently, licensee must provide lodging units with at least fifty square feet of total floor area (not counting areas with a ceiling height lower than five feet) for each guest. Under the proposed rule, licensees must provide lodging units with an occupancy level not to exceed the number of persons accommodated by the beds present, based on their intended maximum usage.

Analysis: This rule change is likely to provide additional flexibility for licensees. The occupancy level in a lodging unit will be determined by the size of the room, number and size of beds, and arrangement of beds. Some affected businesses may incur additional costs as a result of the proposed rule, but most are likely to gain from the added flexibility created by the proposed rule. Those facilities incurring additional costs are likely to have total costs that are proportional to the size of the facility.

14. Adequate Spacing Between Beds (WAC 246-360-090 (2) and WAC 246-360-150 (3))

Description: Currently, WAC 246-360-090 (1) states that licensees must allow easy movement between beds, cots, mats, or mattresses. Also, WAC 246-360-150 (3) currently states that licensees must assure that bunk beds, if used, have a clear vertical space of at least twenty-seven inches between the bottom and top bunk. Under the proposed rules, WAC 246-360-090 (1) would require licensees to provide at least a three-foot clear path of egress from one side of each bed, cot, mat or mattress. WAC 246-360-090(2) requires the licensee to provide lodging units with an aisle of at least thirty-six inches wide from one side of each bed that is part of the regular furnishings of the unit; an

aisle of at least eighteen inches wide from one side of each temporary bed, other than an infant's crib, that is no more than thirty eight inches high; and an aisle at least twenty eight inches wide from one side of each temporary infant's crib and each temporary bed above a height of thirty eight inches. The aisle width is required by the National Fire Protection Association Life Safety Code which is adopted as a Fire Safety Standard (WAC 212-12-010(3)) for transient accommodations. Also, under the proposed rule, WAC 246-360-150 (3) would require a licensee to ensure that bunk beds have sufficient unobstructed vertical space so that an adult may sit up comfortably between the bottom and top bunk, or between the top bunk and ceiling.

Analysis: DOH does not anticipate that affected businesses will have additional costs as a result of this rule change. The aisle width is already required by the fire safety standards of the State Fire Marshal's Office. The bunk bed height requirement is typically met by existing room heights and by manufacturers' designs for bunk beds. For facilities not meeting these requirements, it is reasonable to assume that the cost of meeting them would be proportional to the size of the facility.

15. Connecting Emergency Services (WAC 246-360-090 (5)).

Description: Under the proposed rule, phones or other reliable communication devices, if provided to lodging units, must be capable of allowing communication to police, fire department, paramedic, poison control, hazardous material team, or other local emergency responder and connected without delay. No current rule describes such a requirement.

Analysis: DOH does not anticipate any additional costs as a result of this rule change because we are not aware of any phones currently in use that are not connected to emergency services.

16. Cleaning Ice Machines (WAC 246-360-160 (3)(a))

Description: The current rule requires the licensee to store and dispense ice in a sanitary manner, including cleaning and sanitizing ice machines twice a year or more often as needed. Under the proposed rule, licensees must clean and sanitize ice machines at least twice a year or more often as needed or in accordance with the manufacturer's instructions.

Analysis: There are zero costs to adopt the proposed rule. The proposed rule provides another option for cleaning and sanitizing ice machines.

17. Washing, Sanitizing, and Drying Laundry (WAC 246-360-180 (1)(b))

Description: Under the proposed rule, the licensee must provide clean and sanitary bedding, linens, towels, washcloths, and other items intended for guest use by using a commercial laundry service, or by washing and sanitizing laundry in accordance with the washer manufacturer's recommendations and detergent and sanitizer instructions, and drying laundry in accordance with the dryer manufacturer's instructions when using a dryer. The current rule allows licensees to use a commercial laundry service or other laundry service meeting the requirements in WAC 246-360-040 or WAC 246-360-180. Also, there is no mention of drying laundry in current rules.

Analysis: There are zero costs to adopt the proposed rule. The proposed rule change clarifies current means to clean, sanitize, and dry laundry; it also provides another option for licensees to wash, sanitize, and dry laundry.

18. Cleaning Dryer Lint Screens (WAC 246-360-180 (2))

Description: Under the proposed rule, licensees must ensure lint screens on on-site dryers are cleaned daily during normal operation or as needed. No current rule in this section requires licensees to clean lint screens.

Analysis: Some transient accommodations may already clean the dryer lint screen on a daily or as needed basis and will not incur additional costs as a result of the proposed rule. Regularly cleaning the dryer lint screen is a good fire safety practice.

However, if a facility does not have an established dryer lint screen cleaning schedule, the facility will most likely incur costs of labor for the housekeeper/laundry person to clean the screen(s). These costs will vary depending on the size of the facility and the frequency of cleaning. We consider as examples a small

4 unit facility with two non-commercial dryers and a large 50 unit facility with two commercial dryers; both facilities decide to clean the screen after each load. It is assumed that the capacity of a commercial dryer is that of 2 non-commercial dryer loads. The median hourly rate for a transient accommodations housekeeper is \$12 (personal conversation with Washington State Hotel and Lodging Association).

The costs would be as follows: The 4 unit facility washes and dries four loads per day. It takes 5 minutes to clean each lint screen, so time costs would total 20 minutes per day or 10 hours per month; at \$12 per hour, the monthly cost would be \$120. The fifty unit facility washes and dries 25 loads per day, so at 5 minutes per load time costs would be 125 minutes per day or 62.5 hours per month; at \$12 per hour, the monthly cost would be \$750.

19. Availability of Current Recreational Permit (WAC 246-360-200 (5))

Description: Under the proposed rule, if spas, pools, and/or hot tubs are provided, licensees must have available for review a copy of a current recreational water permit issued by the local health jurisdiction. No current rule discusses this requirement.

Analysis: There are no associated costs to adopt the proposed rule. The proposed rule only clarifies the responsibility of the licensee when spas, pools, and/or hot tubs are provided.

20. Adequate Light Intensities (WAC 246-360-130 (1))

Description: The current rule requires licensees to maintain specific light intensities adequate for safety and facility maintenance with minimum specific light intensities measured at a height of three feet above the floor. Under the proposed rule, specific lighting intensities are deleted and replaced with a performance-based rule whereby licensees must maintain lighting intensities adequate for safety.

Analysis: Making the rule performance-based is likely to reduce lighting costs for affected businesses and clarify licensee responsibilities regarding the provision of adequate lighting in transient accommodation facilities. If there are net costs associated with this rule change, it is reasonable to assume that the cost of acquiring adequate lighting would be proportional to the size of the facility.

21. Paying Fines (WAC 246-360-035 (2)(e))

Description: Under the proposed rule, the Department may deny, suspend, or revoke a transient accommodation license, or assess a civil fine, if the Department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein fails to pay a fine within thirty days after the assessment becomes final or as agreed to by the Department and licensee. The current rule allows the Department to carry out the above action if the fine is not paid within ten days.

Analysis: There are no costs to adopt the proposed rule because the change allows licensees more time to pay a fine.

22. Addressing Deficiencies (WAC 246-360-035 (3))

Description: Under the proposed rule, the Department may address deficiencies that do not meet licensure requirements in one of three ways: (1) a plan of correction where the Department determines the deficiencies are not major, broadly systemic or of recurring nature; (2) a directed plan of correction as an alternative to administrative action, where the Department finds deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety; or (3) administrative action initiated under chapter 34.05 RCW. No current rule describes how the Department will address such deficiencies.

Analysis: There are no costs to adopt the proposed rule because the proposed rule clarifies the current practice of the Department.

23. Collecting Refuse (WAC 246-360-070 (3)(b))

Description: Under the proposed rule, licensees must collect refuse from lodging units at least every three days or more often as necessary to maintain a clean and sanitary environment in each guest's room. The current rule requires licensees to collect refuse in lodging units twice a week when guests stay longer than three days.

Analysis: The costs to adopt the proposed rule are the time to collect the refuse and the resources to safely store refuse. Currently, most transient accommodations collect refuse from lodging units at least every three days or more often as necessary; these facilities would not incur any costs as a result of the proposed rule. Facilities that follow the current rule will have to increase their collection of refuse and will incur a cost of labor and storing resources. These costs are likely to be proportional to the size of the facility.

24. Other rule amendments

Other rule amendments do not require SBEIS analysis because they generate costs below the minor impact threshold for affected industries, adopt current federal or state law, or seek to clarify existing rules.

5. Does the rule impose a disproportionate impact on small businesses?

Some components of the proposed rule do not impose a disproportionate impact on small businesses. These include rule components that are likely to reduce costs for all businesses, as well as rule components whose cost is likely to be proportional to the size of the facility. Regarding the latter issue, DOH assumes that cost that are proportional to the size of the facility (or, similarly, to the number of units in a facility) will be equivalent across facilities when measured per \$100 in sales. It follows that such rule components do not impose a disproportionate impact on small businesses when costs are measured per \$100 in sales.

However, some components of the proposed rule do seem likely to disproportionately impact small businesses. These rule components generally involve fixed costs that do not vary in proportion to the size of the facility; some examples include the cost of developing emergency plans or the cost of replacing carpeting in laundry rooms. Because some rule components seem likely to disproportionate impacts on small businesses, DOH has attempted (as described below) to mitigate the impact of the proposed rule on small businesses.

6. If the rule imposes a disproportionate impact on small businesses, what efforts were taken to reduce that impact (why is it not "legal and feasible" to do so) by

a) reducing, modifying, or eliminating substantive regulatory requirements?

- WAC 246-360-040(4) was revised to reduce the water temperature from 120 degrees plus or minus 10 degrees Fahrenheit to 110 degrees plus or minus 10 degrees Fahrenheit. The lower temperature conserves energy and is considered safe for children and elderly.
- WAC 246-360-090 was revised to remove the occupancy limits based on square footage of the unit and instead assured adequate aisles for egress. The section was also revised to allow narrower egress for temporary cots or beds.
- WAC 246-360-150(7) allows replacement of bed linen weekly rather than twice a week for guests staying longer than three days.
- Some regulations were made performance based rather than specific requirements. WAC AC 246-360-130(1) requires the licensee is required to maintain light intensities adequate for safety rather than specific foot candles.
- WAC 246-360-160(3) (a) allows the licensee to clean and sanitize the ice machine in accordance with the manufacturer's instructions or twice a year or more often if needed. A specific manufacturer's instruction could be less than twice a year.
- WAC 246-360-180(1) (b) allows the license to wash and sanitize laundry in accordance with manufacturer's recommendations. The licensee chooses the type of washer, laundry soap, and sanitizer to get the laundry clean. The licensee is also provided a (new) option for air drying laundry.
- WAC 246-360-220 Allows the operator to provide evidence of licensed fire safety inspection in lieu of the fire safety plan.

b) simplifying, reducing, or eliminating record keeping and reporting requirements?

Some regulations piggyback on other governmental entities rather than create their own standards for transient accommodations:

- WAC 246-360-040(1) requires documentation that the water supply system is in compliance with State Board of Health standards for public water systems.
- WAC 246-360-200(5) requires the licensee to provide a copy of current recreational water permit issued by the local health jurisdiction for pools and spas.

c) reducing the frequency of inspections?

The frequency of inspections is not addressed in the regulations. However, DOH policy has changed so that public health and safety inspections will occur on a 3-year cycle instead of a 2-year cycle unless complaints are submitted about a facility.

d) delaying compliance timetables?

The proposed rule prohibits carpets in kitchens or in laundry rooms. The original draft of the proposed rule gave licensees until December 31, 2004, to comply; the proposed rule now gives licensees until October 31, 2005, to replace carpet with cleanable and durable floor coverings. (WAC 246-360-110(2)(a) and WAC 246-360-180(6))

e) reducing or modifying fine schedules for noncompliance?

Licensees are given thirty days to pay fines rather than current ten days. (WAC 246-360-035(2) (e))

f) any other mitigation techniques?

No other mitigation techniques were used.

7. How are small businesses involved in the development of this rule?

Small businesses have been involved from the beginning of the rulemaking process. A number of entities that represent small businesses in Washington State have worked alongside the DOH in the rulemaking process. For example, the Washington State Hotel and Lodging Association and the Washington State Bed and Breakfast Guild have been involved. In addition, some smaller businesses have been in attendance at rulemaking meetings and provided much input into the draft rule development.